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CHAPTER II PROVIDER PARTICIPATION REQUIREMENTS

PARTICIPATING PROVIDER

A participating provider is an institution, facility, agency, person, partnership, corporation, or association that is certified by the Centers for Medicare and Medicaid Services (CMS) and has a current, signed participation agreement with the Department of Medical Assistance Services (DMAS).

PROVIDER ENROLLMENT

All providers of services must be enrolled in the Medicaid Program on the date services are provided to Medicaid recipients. This chapter contains copies of provider agreements. All providers must sign the Participation Agreement and return it to the First Health Services-Provider Enrollment Unit; an original signature of the individual provider is required. The authorized agent of the provider must sign an agreement for a group practice, hospital, or other agency or institution. The Virginia Medical Assistance Program must receive prior written ratification of the identity of any designated authorized representative and the fact that a principal-agent relationship exists.

Upon receipt of the above information, DMAS assigns a provider number to each approved provider. All claims and correspondence submitted to Medicaid must contain this number.

This manual contains instructions for billing and specific details concerning the Medicaid Program. Providers must comply with all sections of this manual to maintain continuous participation in the Medicaid Program.

REQUESTS FOR PARTICIPATION

To become a Medicaid provider of services, the provider must request a participation agreement by writing, calling, or faxing the request to

First Health VMAP-PEU PO Box 26803 Richmond, Virginia 23261-6803

804-270-5105 or 1-888-829-5373 (in state toll-free), fax – 804-270-7027

Note: Certification by the Virginia Department of Health does not constitute automatic enrollment as a Medicaid provider.

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PARTICIPATION REQUIREMENTS

Providers approved for participation in the Medical Assistance Program must perform the following activities as well as any other specified by DMAS:

- Immediately notify First Health Services-Provider Enrollment Unit, in writing, of any change in the information which the provider previously submitted to First Health Services-Provider Enrollment Unit.
- Assure freedom of choice to recipients in seeking medical care from any institution, pharmacy, or practitioner qualified to perform the service(s) required and participating in the Medicaid Program at the time the service was performed.
- Ensure the recipient's freedom to reject medical care and treatment.
- Comply with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000d through 2000d-4a), which requires that no person be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance on the ground of race, color, or national origin.
- Provide services, goods, and supplies to recipients in full compliance with the requirements of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which states that no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The Act requires reasonable accommodations for certain persons with disabilities.
- Provide services and supplies to recipients of the same quality and in the same mode of delivery as provided to the general public.
- Charge DMAS for the provision of services and supplies to recipients in amounts not to exceed the provider's usual and customary charges to the general public.
- Not require, as a precondition for admission or continued stay, any period of private pay or a deposit from the patient or any other party.

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- Accept Medicaid payment from the first day of eligibility if the provider was aware that application for Medicaid eligibility was pending at the time of admission.
- Accept as payment in full the amount established by DMAS to be reasonable cost or maximum allowable charge. 42 CFR § 447.15 provides that a "State Plan must provide that the Medicaid agency must limit participation in the Medicaid Program to providers who accept, as payment in full, the amount paid by the agency." A provider may not bill a recipient for a covered service regardless of whether the provider received payment from the state. The provider may not seek to collect from a Medicaid recipient, or any financially responsible relative or representative of that recipient, any amount that exceeds the established Medicaid allowance for the service rendered.
- Accept assignment of Medicare benefits for eligible Medicaid recipients.
- Use Program-designated billing forms for submission of charges.
- Maintain and retain business and professional records sufficient to document fully and accurately the nature, scope, and details of the health care provided.

Such records must be retained for a period of not less than five years from the date of service or as provided by applicable state laws, whichever period is longer. However, if an audit is initiated within the required retention period, the records must be retained until the audit is completed and every exception resolved. (Refer to the section regarding documentation for medical records.)

- Furnish to authorized state and federal personnel, in the form and manner requested, access to records and facilities.
- Disclose, as requested by the Program, all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to recipients of medical assistance.
- Hold confidential and use for authorized Program purposes only all medical assistance information regarding recipients. A provider shall disclose information in his or her possession only when the information is used in conjunction with a claim for health benefits or the data is necessary for the functioning of DMAS. DMAS shall not disclose medical information to the public.

PARTICIPATION CONDITIONS

DMAS provides coverage for physical rehabilitative services under two major programs: physical therapy and related services (physical and occupational therapies and speech-language pathology services) and intensive rehabilitative services. Physical therapy and

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related services may be provided by acute care inpatient hospitals, rehabilitation agencies, home health providers, outpatient hospitals, and in Comprehensive Outpatient Rehabilitation Facilities (CORFs). Intensive rehabilitation services may be provided by rehabilitation hospitals and rehabilitation units of acute care hospitals.

All providers enrolled in the Virginia Medicaid Program must adhere to the conditions of participation outlined in their individual provider agreements. The following paragraphs outline special participation conditions for rehabilitation providers.

Rehabilitation Facilities - Inpatient

DMAS covers intensive rehabilitation services in rehabilitation hospitals and in rehabilitation units of acute care hospitals. To become a provider in this category, the facility must:

- Be certified by HCFA as a rehabilitation hospital, and
- Enter into and have in effect a separate agreement as a Medicaid provider of rehabilitation services.

A copy of the agreement for rehabilitation hospitals is provided at the end of Chapter II.

Rehabilitation Facilities - Outpatient

DMAS covers intensive Comprehensive Outpatient Rehabilitation Facilities (CORFs) or outpatient units associated with hospitals under the conditions listed below. To become a provider in this category, the facility must:

- Submit proof of Medicare certification as a rehabilitation facility, or
- Be administered by a rehabilitation hospital, or
- Be administered by an exempted rehabilitation unit of an acute care hospital which is certified and participating in Medicaid, and
- Enter into and have in effect a separate agreement as a Medicaid provider of rehabilitation services.

A copy of the agreement for outpatient rehabilitation facilities is provided at the end of Chapter II.

REQUIREMENTS OF SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. §794), provides that no disabled individual shall, solely by reason of the disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance. As a condition of participation, all Medicaid providers are responsible for making provision for handicapped individuals in their program activities.

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In the event a discrimination complaint is lodged, DMAS is required to provide the Office of Civil Rights (OCR) with any evidence regarding compliance with these requirements.

CERTIFICATION AND RECERTIFICATION

The Virginia Medicaid Program is dependent upon the participation and cooperation of physicians who provide or order many health care services. The physician is responsible for certifying that the service is medically necessary and that the treatment prescribed is in accordance with excellence in medical practice. For MEDALLION recipients, there must be a referral for the service from the MEDALLION Primary Care Physician (PCP). This referral may be obtained in writing or orally and must be documented in the recipient's record. For specific documentation and program requirements for rehabilitation facilities, see Chapters IV and VI of this manual.

Certifications and recertifications must be signed by the physician responsible for the case, by another physician having knowledge of the care who is authorized to sign by the responsible physician, or by the medical staff.

DOCUMENTATION OF RECORDS

The provider agreement requires that the medical records fully disclose the extent of services provided to Medicaid recipients. The following elements are required documentation for medical records:

- The record must identify the patient on each page.
- The responsible licensed participating provider must sign and date the entries. The responsible licensed participating provider must countersign care rendered by personnel under the supervision of the provider, which is in accordance with Medicaid policy.
- The record must contain a preliminary working diagnosis and the elements of a history and physical examination upon which the diagnosis is based.
- All services, as well as the treatment plan, must be entered in the record. Any drugs prescribed as part of a treatment, including the quantities and the dosage, must be entered in the record
- The record must indicate the progress being made, any change in diagnosis or treatment, and the response to treatment. Progress notes must be written as required for the provider type.

For other record documentation requirements, see Chapter VI.

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UTILIZATION OF INSURANCE BENEFITS

Health, hospital, workers' compensation, or accident insurance benefits shall be used to the fullest extent in meeting the medical needs of the covered person. Supplementation of available benefits is discussed below. Medicaid is the payer of last resort.

Workers' Compensation

Items and services, to the extent that payment has been made or can reasonably be expected to be made under the workers' compensation laws of Virginia, are not reimbursable by the Virginia Medicaid Program.

Other Health Insurance

When a recipient has other health insurance such as Trigon or Medicare, Medicaid requires that these benefits be used first. Supplementation shall be made by the Medicaid Program when necessary, but the combined total payment from all insurance shall not exceed the amount payable under Medicaid had there been no other insurance.

Liability Insurance for Accidental Injuries

The Virginia Medicaid Program will seek repayment from any settlements or judgments in favor of Medicaid recipients who receive medical care as the result of the negligence of another. If a recipient is treated as the result of an accident and the Virginia Medical Assistance Program is billed for this treatment, Medicaid should be notified promptly so action can be initiated by Medicaid to establish a lien as set forth in § 8.01-66.9 of the Virginia Code. In liability cases, providers may choose to bill the third-party carrier or file a lien in lieu of billing Medicaid.

In the case of an accident in which there is a possibility of third-party liability, or if the recipient reports a third-party responsibility (other than those cited on the Medical Assistance Identification Card), and whether or not Medicaid is billed by the provider for rendered services related to the accident, the Home Health provider is requested to forward the DMAS-1000 to:

Third- Party Liability Unit Department of Medical Assistance Services 600 East Broad, Suite 1300 Richmond, Virginia 23219

A copy of this form is provided in the Exhibits section following this chapter.

ASSIGNMENT OF BENEFITS

If a Virginia Medicaid recipient is the holder of an insurance policy that assigns benefits directly to the patient, the Home Health provider must require that benefits be assigned to the Home Health provider (or the hospital if the Home Health provider is hospital-based), or refuse the request for the itemized bill that is necessary for the collection of benefits.

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TERMINATION OF PROVIDER PARTICIPATION

The participation agreement is not time-limited, and will only expire upon the lapse or loss of licensure or certification of the provider, action taken by DMAS to meet the requirements of the agreement, regulations or law, inactive participation by the provider (no billing within 36 months), or resignation by the provider. DMAS will request a copy of the renewed licensure/certification prior to its expiration.

A participating provider may terminate his or her participation in Medicaid at any time. Thirty (30) days' written notification of voluntary termination must be made to the Director, Department of Medical Assistance Services and the First Health Services—Provider Enrollment Unit.

DMAS may terminate a provider from participation upon thirty (30) days' written notification. Such action precludes further payment by DMAS for services provided recipients subsequent to the date specified in the termination notice.

Subsection (c) of § 32.1-325 of the Code of Virginia mandates that "Any such (Medicaid) agreement or contract shall terminate upon conviction of the provider of a felony."

A provider convicted of a felony in Virginia or in any other of the 50 states must, within 30 days, notify the Program of this conviction and relinquish the agreement. Reinstatement will be contingent upon provisions of state law.

REPAYMENT OF IDENTIFIED OVERPAYMENTS

Pursuant to § 32.1-325.1 of the Code of Virginia, DMAS is required to collect identified overpayments. Repayment must be made upon demand unless a repayment schedule is agreed to by DMAS. When a lump sum cash payment is not made, interest will be added on the declining balance at the statutory rate, pursuant to § 32.1-313.1 of the Code of Virginia. Interest will not apply pending appeal. Repayment schedules must ensure full repayment within 12 months.

RECONSIDERATION AND APPEALS OF ADVERSE ACTIONS

Non-State-Operated Provider

The following procedures will be available to all providers when DMAS takes adverse action which includes termination or suspension of the provider agreement and denial of payment for services rendered based on utilization review decisions.

The reconsideration and appeals process will consist of three phases: a written response and reconsideration to the preliminary findings, an informal appeal, and a formal appeal. The provider will have 30 days to submit information for written reconsideration and will have

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30 days' notice to request an informal appeal. If there is an adverse decision the provider has 30 days from the decision date to request a formal appeal.

An appeal of adverse actions concerning provider reimbursement shall be heard in accordance with the Administrative Process Act (§§ 9-6.14:1 through 9-6.14:25 of the Code of Virginia) and the State Plan for Medical Assistance provided for in § 32.1-325.1 of the Code of Virginia. Court review of final agency determinations concerning provider reimbursement shall be made in accordance with the Administrative Process Act.

Any legal representative of a provider must be duly licensed to practice law in the Commonwealth of Virginia.

State-Operated Provider

The following procedures will be available to state-operated providers when DMAS takes adverse actions such as termination or suspension of the provider agreement or denial of payment for services rendered based on utilization review decisions. State-operated provider means a provider of Medicaid services which is enrolled in the Medicaid Program and operated by the Commonwealth of Virginia.

A state-operated provider has the right to request a reconsideration for any issue which would be otherwise administratively appealable under the State Plan by a non-state-operated provider. This is the sole procedure available to state-operated providers.

The reconsideration process will consist of three phases: informal review by the Division Director, DMAS Director review, and Secretarial review. First, the state-operated provider will submit to the appropriate DMAS Division written information specifying the nature of the dispute and the relief sought. This request must be received by DMAS within 30 calendar days after the provider receives its Notice of Amount of Program Reimbursement, notice of proposed action, findings letter, or other DMAS notice giving rise to a dispute. If a reimbursement adjustment is sought, the written information must include: the nature of the adjustment sought; the amount of the adjustment sought; and the reasons for seeking the adjustment. The Division Director or his or her designee will review this information, requesting additional information as necessary. If either party so requests, they may meet to discuss a resolution. Any designee shall then recommend to the Division Director whether relief is appropriate in accordance with applicable laws and regulations. The Division Director will consider any recommendation of his or her designee and render a decision.

A state-operated provider may, within 30 days after receiving the informal review decision of the Division Director, request that the DMAS Director or his designee review the decision of the Division Director. The DMAS Director has the authority to take whatever measures he deems appropriate to resolve the dispute.

If the preceding steps do not resolve the dispute to the satisfaction of the state-operated provider, within 30 days after receipt of the decision of the DMAS Director, the provider may request the DMAS Director to refer the matter to the Secretary of Health and Human Resources or any other Cabinet Secretary as appropriate. Any determination by such Secretary or Secretaries will be final.

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PROGRAM INFORMATION

Federal regulations governing program operations require Virginia Medicaid to supply program information to all providers. Currently, dissemination of this information is accomplished through the DMAS website, as well as, with regard to certain publications, by mailing such publications directly to providers, keyed to the provider number on the enrollment file. For publications that are mailed to providers, this means that each assigned provider receives program information. Since DMAS does not always know which provider groups have multiple offices or which groups use one central office, providers may receive multiple copies of such publications sent to the same location. Individual providers may request that publications not be mailed to them by completing a Mailing Suspension Request form and returning it to the First Health - Provider Enrollment Unit at the address given on the form. The Mailing Suspension Request form must be completed and signed by each provider within the group who is requesting that Program information not be sent. The address is:

First Health VMAP-PEU PO Box 26803 Richmond, Virginia 23261-6803

804-270-5105 or 1-888-829-5373 (in state toll-free), fax – 804-270-7027

(See the "Exhibits" section at the end of the chapter for a sample of the form.)

Copies of manuals, manual updates, and certain other publications are available on the DMAS website (www.dmas.state.va.us). If you do not have access to the Internet, please contact DMAS' mailing contractor, Commonwealth Martin, at 804-780-0076.

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COMMONWEALTH OF VIRGINIA **Department of Medical Assistance Services Medical Assistance Program**

Hospital Participation Agreement

If re-enrolling, enter Med	licaid Provider Number here→		Check this box if requesting new number→
This is to certify:	PAYMENT/CORRESPONDENCE		PHYSICAL ADDRESS DIFFERENT FROM PAYMENT ADDRESS)
NAME			
ATTENTION			
ADDR LINE 1			
ADDR LINE 2			
CITY, STATE, ZIP			
	ay ofent of Medical Assistance Services, the legal	, agrees to particip ly designated State Agency for the adminis	pate in the Virginia Medical Assistance Program tration of Medicaid.
Enter 6-digit MEDICARE	: provider number here→		Check this box if Rehab Hospital→
•	currently licensed and certified under app	•	, ,
89-97.			icipation with Title XVIII (Medicare)of Public Lav
			th meets Title XVIII AND Title XIX standards fo
 The applicant a payments claim General, or his The applicant a that all request: Payment made additional characonsideration for provider to fede The applicant at the applicant at time to time am The applicant at time to time am participate in the 10. All disputes readministrative such administrative such administrative time to time and the 11. This agreemen upon the timely 	authorized representatives, and authorized representatives, and authorized representatives, and authorized regrees that charges submitted for services for payment will comply in all respects we by VMAP constitutes full payment except reges to the recipient for services covered from or on behalf of a Medicaid recipient eral or state prosecution. In the prosecution grees to pursue all other available third payment its established rates for the serviced officials result in disallowance of amount agrees to comply with all applicable state ended. It may be terminated at will on 30 (thirty) dies program. In the program growider reimbursement and/or proceedings conducted at the office of Variety proceedings shall be pursuant to the stability of the process of the services.	ermines necessary. The applicant will figlan. Access to records and facilities by difederal personnel will be permitted upon some rendered will be based on the usual, with the policies of VMAP for the submission of patient pay amounts determined by diffusion or for any service provided under Medical arty payment sources prior to submitting in involved shall constitute full payment into previously paid to the provider by and federal laws, as well as administrally written notice by either party or by termination of this agreement by VMMAP in Richmond, Virginia. These ad Virginia Administrative Process Act.	urnish VMAP, on request, information regarding authorized VMAP representatives, the Attorney on reasonable request. customary, and reasonable concept and agrees sion of claims. y VMAP, and the applicant agrees not to submireceipt of any money, gift, donation or othe aid is expressly prohibited and may subject the
Medicald Partic	ipation Agreement.	For Provider	of Sarvices:
For First Health's us	se only	ronnovider	or dervices.
		Original Signature of Administra	ator Date
Director Division of F	Program Operations Date	Title	
Director, Division of F	Togram Operations Date	City ORCounty of	
IRS Name (required) Mail or fax <u>one</u> completed <u>original</u> agreement to:	First Health - VMAP-Provider Enrollment Unit PO Box 26803 Richmond, Virginia 23261-6803 1-804-270-7027	IRS Identification Number	(Area Code) Telephone Number
		Medicare Carrier and Vendor Nu	ımber (if applicable)

Commonwealth of Virginia Department of Medical Assistance Services Medical Assistance Program

Outpatient Rehabilitation Services Participation Agreement

If re-enrolling, enter Med	dicaid Provider Number here→	Check this	box if requesting new number→
This is to certify:	PAYMENT/CORRESPONDENCE ADDRE		AL ADDRESS IT FROM PAYMENT ADDRESS)
NAME			
ATTENTION			
ADDR LINE 1			
ADDR LINE 2			
CITY, STATE, ZIP			
on this or Program (VMAP),	day of , the Department of Medical Assistance Services,	agrees to participate in the legally designated State Agency for	ne Virginia Medical Assistance the administration of Medicaid.
Enter 6-digit MEDICARI	E provider number here→	Che	eck this box if you are a CORF→
 Services will be individual shall in (Section 504) The provider as payments clair General of Virgusta. The provider as that all requests. Payment made provider agree donation or on expressly probed. The provider as the provider agree donation or on expressly probed. Payment by Visual thorized state upon demand. The provider as to time amended. The agreement participate in the provider of the agreement participate in the provider of the agreement participate in the provider of the p	may be terminated at will on thirty days' writter	lor, religion, national origin, or type of ill rom participation in, be denied the benefits MAP. Is necessary. The provider will furnish VM ccess to records and facilities by authorize zed federal personnel will be permitted uponed will be based on the usual, customary, policies of VMAP for the submission of clair of the recipient except for patient pay and the for services covered under VMAP. The contract and assistance recipient for any service potate prosecution. In payment prior to submitting a claim to VMA ved shall constitute full payment for the submits previously paid to the provider by VM and laws, as well as administrative policies and notice by either party or by VMAP when action of this agreement by VMAP for an Richmond, Virginia. These administrative	AP on request information regarding of VMAP representatives, the Attorney on reasonable request. If and reasonable concept and agrees ms. If a concept of any money, gift, rovided under medical assistance is approximately and procedures of VMAP as from time at the provider is no longer eligible to y reason shall be resolved through proceedings shall be pursuant to the Medicaid Program is contingent upon
Participation A	greement.	For Provider of Services.	•
		Original Signature of Provider	Date
Director, Division of I	Program Operations Date	City <i>OR</i> County of	
IRS Identification Na Mail or fax one completed original agreement to:	me (required) First Health - VMAP-Provider Enrollment Unit PO Box 26803 Richmond, Virginia 23261-6803 1-804-270-7027	IRS Identification Number	(Area Code) Telephone Number
		Medicare Carrier and Vendor Number	

PCT 19, 57 FH/REV 09/11/2000



MAILING SUSPENSION REQUEST SERVICE CENTER AUTHORIZATION SIGNATURE WAIVER PHARMACY POINT-OF-SALE

Pl

Please	review and check the blocks which	pertain to you:
	MAILING SUSPENSION REQUESTION I do not wish to receive Medgiven below.	UEST: dicaid memos, forms, or manual updates under the Medicaid provider number
	COMPUTER GENERATED CI I certify that I have authoriz modem, diskette or tape) to Vi	zed the following service center to submit computer-generated invoices (by
		(Service Center Preparing Invoices)
	Service center code:	Magnetic Tape RA: YES NO (Circle One)
	Prior service center code:	
	SIGNATURE WAIVER: I certify that I have authorized generated, or stamped signature	d submission of claims to Virginia Medicaid which contain my typed, computer re.
		E AUTHORIZATION (in-state providers only): e billings to Virginia Medicaid.
accura	te, and complete. I further under	the information presented on these invoices and that the information is true, rstand that payment and satisfaction of these claims will be from federal atements, documents, or concealment of material facts may be prosecuted
P	ROVIDER NAME:	
		Leave blank, if number pending.
	SIGNATURE:	
	DATE:	
	TELEPHONE #	

First Health VMAP-PEU PO Box 26803 Richmond, Virginia 23261-6803 1-804-270-5105

Please return completed form to:

I